

REMARKS

Claims 17, 18, and 20-27 are pending in the above-identified application. Claims 17, 18, and 20-27 were rejected. With this Amendment, claims 17, 18, 20, 21, 24, and 25 are amended. Accordingly, claims 17, 18, and 20-27 remain at issue.

I. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 17, 18 and 20-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Spies* (U.S. Patent No. 6,055,314) in view of *Pitroda* (U.S. Patent No. 5,884,271).

Applicant respectfully traverses this rejection.

Claim 17 is directed towards a method to determine whether a proper fee is charged from a service provided to a user. Claim 17 has been amended to recite that the method includes the steps of (a) receiving a request from said service provider to collect the fee from a user; (b) receiving an IC card from the user, said IC card including service request data and digital signature data; (c) reading said service request data and said digital signature data on said IC card; (d) determining whether said service request data and said digital signature data are valid; (e) calculating the fee using the service request data on said IC card; and (f) collecting the fee from the user.

Unlike claim 17, *Spies* is directed to a method for secure purchase and delivery of video content. In particular, *Spies* discloses that a viewer is issued an IC card that is configured with cryptographic functionality to support a secure purchase from the video merchant. (col. 2, lines 31-42.) In *Spies*, the IC card interfaces with a merchant computing unit and is used to decrypt video content. The IC card can be connected to a merchant's computing unit (col. 6, lines 11-33) or can be connected to a purchaser's computer (col. 6, lines 34-58), a purchaser selects a

video program, and a cryptographic program key is downloaded to the IC card. To provide security, credentials and cryptographic program keys are exchanged during the purchase transaction. (col. 6, lines 59-61.) To this end, the IC card executes various cryptographic functions (described in col. 7), and sends encrypted information and credentials of the IC card to the video merchant to verify the IC card. (col. 7, lines 62-67.) After the IC card has been verified, the video merchant then grants the purchaser decryption capabilities. (col. 8, lines 26-28.)

In a later embodiment, *Spies* discloses another video delivery system that uses an IC card with cryptographic functions to provide secure delivery. *Spies* discloses that a subscriber inserts the IC card into a set-top box (STB) to decrypt a video program. (col. 15, lines 1-8.) When the subscriber orders a program, the IC card digitally signs the order and payment instructions and transmits them over the network to the headend server. (col. 15, lines 51-59.)

Thus, *Spies* discloses an entirely different method than what is claimed in claim 17, as amended. *Spies* does not disclose or suggest the step of receiving a request from said service provider to collect the fee from a user, receiving an IC card with service request data and digital signature data from the user, or calculating the fee using the service request data on the IC card when it is determined that said service request and said digital signature recorded in the IC card are valid. In particular, the Examiner seems to have taken the position that the “merchant” in *Spies* receives a request from the service provide, when the merchant itself is the service provider. Additionally, the Examiner has not pointed to any disclose in *Spies* where an IC card is submitted and received. Moreover, *Spies* is devoid of any disclosure of calculating a fee and collecting a fee from the user. Rather, *Spies* simply discloses that a video merchant or headend

server (i.e., the service provider) reads encrypted information from the IC card to verify its authenticity, and if it is valid, allows the IC card to decrypt video content.

In stark contrast to claim 17, which is directed to the situation where a user objects to the fee to be collected (resulting in the fee collector receiving the IC card from the user, determining its validity, and calculating the fee), *Spies* is only directed to the situation where the user accepts the fee. (col. 15, lines 45-50) (“The subscriber is given the opportunity to confirm or deny the purchase request. Upon confirmation, the STB 230 generates an order for the video content program...”). *Spies* does not disclose or suggest any method steps directed to the situation where a user objects to the fee, as recited in claim 17. In addition, *Spies* is devoid of any disclosure of a accounting terminal such as a bank, to which claim 17 is directed, that performs the steps as recited in the claim.

As previously explained, *Pitroda* is directed to a universal electronic transaction (UET) card to allow a user to consolidate a number of plastic cards. While the Examiner points to a general statement in *Pitroda* that the UET card may help to eliminate paperwork and resolve disputes (col. 18, lines 3-15), *Pitroda* does not disclose or even suggest many of the steps recited in claim 17, such as receiving an IC card with a service request and digital signature from the user, reading said service request and said digital signature recorded on said IC card to determine whether said service request and said digital signature are valid, or calculating the fee and collecting the fee from the user when it is determined that said service request and said digital signature are valid, as well as other elements of the claim. Rather, *Pitroda* discloses that a main central computer authorizes and verifies a transaction amount when the UET card is connected through a communication interface to a point of sales terminal. (col. 14, lines 35-50.)

Therefore, neither *Spies* nor *Pitroda*, alone or in combination, disclose or suggest all of the elements of claim 17. Accordingly, Applicant respectfully requests that claim 17 is not obvious in view of the cited art.

Claim 24 has similarly been amended as reflected in claim 17, and therefore also is not obvious in view of the cited art

Claim 26 recites that the user enables a sending of said storage medium to said accounting terminal. As described above, neither *Spies* nor *Pitroda*, alone or in combination, disclose or suggest that the storage medium is sent to an accounting terminal. It would plainly illogical for the UET card described in *Pitroda*, which comprises all of a users credit cards, personal information, health care information, insurance information, etc., to be sent to an accounting terminal to dispute a charge. Likewise, *Spies* does not disclose sending a storage medium.

II. Conclusion

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

Dated: February 19, 2008

By: /David R. Metzger/
David R. Metzger
Registration No. 32,919
SONNENSCHNEIN NATH & ROSENTHAL LLP
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, Illinois 60606-1080
(312) 876-8000